

Staff Report



Specific Use Permit SUP10-23 (Liquitek)

City Council Meeting Date: 2-8-11

Document Being Considered: Ordinance

RECOMMENDATION

Approve an ordinance for Specific Use Permit for a High Impact Use on property at 408 113th Street.

PRIOR BOARD OR COUNCIL ACTION

On December 8, 2010, the Planning and Zoning Commission recommended approval of SUP10-23 by a vote of 5-0-0, subject to the following conditions:

1. Request that the facility contribute to the renewal of the 1,300 feet of clay sewer pipe that the facility will be heavily impacting due to the nature of the wastewater discharged;
2. Require a minimum of quarterly self-monitoring sampling of all local limit parameters;
3. Request onsite odor suppression system to alleviate potential odor nuisance to surrounding neighbors;
4. Acknowledge that the facility will, by design, meet the requirements of the "Industrial Waste and Water Pollution Control" chapter;
5. Provide a Baseline Monitoring Report at least 90 days prior to the introduction of wastewater into the POTW;
6. Require the installation and maintenance for a wastewater meter; and
7. Require the facility to remain in an exempt status from the Code of Federal Regulations which would pertain to 40 CFR 437.1 (b) (8) - Centralized Waste Treatment.

The above-referenced conditions were in response to the concerns that were expressed in the letter from Arlington Water Utilities (AWU) submitted on December 7, 2010. Representatives from AWU have since met with the applicant to further discuss the stipulations and have determined that the clay sewer pipe is in good condition. They have also determined that the monitoring of the daily operations of the proposed use will be performed through the permitting process. Therefore, they are requesting that conditions 1, 2, 3, and 5 be retracted. The applicant is amenable to all other conditions.

On January 18, 2011, City Council approved first reading by a vote of 9-0, subject to the following conditions:

1. Acknowledge that the facility will, by design, meet the requirements of the "Industrial Waste and Water Pollution Control" chapter;
2. Require the installation and maintenance for a wastewater meter; and
3. Require the facility to remain in an exempt status from the Code of Federal Regulations which would pertain to 40 CFR 437.1 (b) (8) - Centralized Waste Treatment.

REQUEST

The applicant requests approval of a Specific Use Permit (SUP) for a High Impact Use on a 2.378-acre tract of land zoned "IM" (Industrial Manufacturing); addressed at 408 113th Street, and generally located south of East Randol Mill Road and east of North Great Southwest Parkway.

ANALYSIS

The site is developed with a 7,318-square-foot industrial building. The applicant is currently using the building to store materials for his recycling and disposal company; however, he is now proposing to operate a liquid processing facility at this location. A detailed description of the proposed liquid processing operation has been provided by the applicant. He has indicated that the proposed use will provide a service to local restaurants, churches, hotels, and schools that are involved in food preparation.

According to the zoning ordinance, high impact uses, such as liquid processing, can be located in the "IM" zoning district with the approval of a SUP. The subject site is currently served by two access points along 113th Street. A minimum of six parking spaces is required, and 11 stalls are being provided, as shown on the site plan. No additional enhancements to the site, or the existing structure, are proposed at this time.

The East Sector Plan designates this area as an Employment Center for Industrial Manufacturing (EC-I). This designation is intended to provide for large concentrations of free-standing industrial uses, warehouses, supply yards, and limited community retail. Appropriate zoning designations are "LI" Light Industrial and "IM".

The 1992 Comprehensive Plan contains a number of strategies for industrial uses/developments including:

- Provide industrial developments with direct access to commercial transportation facilities such as railroads, major trucking routes and airports.
- Locate new industrial areas near a major arterial intersection with direct access to a major arterial or freeway.

Great Southwest Parkway, a major arterial, is located in close proximity to the site providing direct access to Interstate 30 and nearby rail transportation. The site lies within the Great Southwest Industrial Park and is surrounded by industrial uses on three sides. A nursing home is located to the east, but is buffered from the subject site by a 53-foot railroad right-of-way.

The proposed location for a high impact use is consistent with the existing development patterns in the area, and the SUP request is in conformance with the East Sector Plan.

ADDITIONAL INFORMATION

Attached:	Ordinance with Exhibits A and B Case Information with P&Z Summary Site Plan (2 Pages) Letter from the Applicant Letter of Concern
Under separate cover:	None
Available in the City Secretary's office:	None

STAFF CONTACTS

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Ordinance No. _____

An ordinance changing the zoning classification on certain property known as 408 113th Street by the approval of specific use permit SUP10-23 for high impact use; amending the Zoning District Map accordingly; authorizing the building official to issue permits upon the effective date; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP10-23 and recommended approval of the specific use permit on December 8, 2010; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the use will: complement or be compatible with the surrounding uses and community facilities; contribute to, enhance or promote the welfare of the area of the SUP and adjacent properties; not be detrimental to the public health, safety or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning amendment be approved. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

A Specific Use Permit for high impact use is hereby granted for the property known as 408 113th Street, described in Exhibit A, and the Zoning District Map shall be amended to reflect the zoning change made by this ordinance. Development and use of the property shall be in compliance with this ordinance, the conditions stated in Exhibit B, and the attached site plan. In the event of a conflict between the provisions in Exhibit B and the provisions in any other exhibit, the provisions in Exhibit B control.

2.

The Building Official is hereby authorized and directed to issue permits in compliance with this ordinance, including all exhibits to this ordinance, immediately after the effective date of this ordinance.

3.

This Specific Use Permit shall expire three years after the date of approval unless a building permit or a Certificate of Occupancy for the specific use has been issued.

4.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

5.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

6.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

7.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

8.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

9.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

10.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the ____ day of _____, 201_, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the ____ day of _____, 201_, by a vote of ____ ayes and ____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

SUP10-23

EXHIBIT "A"

BEING approximately 2.378 acres of land with frontage on 113th Street and is commonly known Site 23 of the Sixth Installment of the Great Southwest Industrial District, Industrial Community No. 2, an addition to the City of Arlington, Texas;

AND being generally located south of East Randol Mill Road and east of North Great Southwest Parkway with the approximate address being 408 113th Street.

SUP10-23

EXHIBIT “B”

1. The Specific Use Permit is for a liquid processing facility in the Industrial Manufacturing (IM) zoning district.
2. The freestanding 7,318-square-foot industrial building has access from 113th Street.
3. A minimum of six parking spaces shall be provided on the site.
4. By design, the facility shall meet the requirements of the “Industrial Waste and Water Pollution Control” chapter.
5. The applicant shall be required to install and maintain a wastewater meter.
6. The facility shall remain in an exempt status from the Code of Federal Regulations which would pertain to 40 CFR 437.1 (b) (8) - Centralized Waste Treatment.
7. Use and development of the property must be in compliance with attached site plans (two pages).
8. In the event of a conflict between the provisions in this Exhibit B and any other exhibits to this ordinance, the provisions of Exhibit B control.

Case Information



Applicant:

David Martin with Liquitek, LLC

Property Owner:

Ann Marie Cloud, Executrix for Bobby J. Cloud Jr. Estate

Sector Plan:

East

Council District:

1

Allowable Uses:

All uses in "IM" zoning as itemized in attachment B.

Development History:

The subject site is currently platted as Site 23 of the Sixth Installment of Industrial Community No. 2, Great Southwest Industrial District and commonly known as 408 113th Street.

There have been no zoning cases in the general vicinity in the past five years.

Transportation:

The proposed development has one point of access from 113th Street.

Thoroughfare	Existing	Proposed
113th Street	60-foot, 2-lane undivided Local street	60-foot, 2-lane undivided Local street

Traffic Impact:

A SUP does not alter the underlying zoning and therefore will not alter the traffic generated over the life of the station.

Water & Sewer:

Water and sewer services are available to the subject site from 113th Street.

Drainage:

The site is located within the Johnson Creek drainage basin and is not located within the FEMA floodplain. No significant drainage impacts are expected to result from development of this site as long as all relevant city ordinances are complied with.

Fire:

Fire Station Number 5, located at 2921 E. Randol Mill Road, provides protection to this site. The estimated fire response time is 2.08 minutes, which is in keeping with recommended standards.

School District:

This property is located in the jurisdiction of the Arlington Independent School District (AISD). AISD has not indicated that the proposal has any impact on the school district.

Notices Sent:

Neighborhood Associations:

Arlington C of C Downtown Development
Arlington Neighborhood Council

Case Information



	East Arlington Review
	Southeast Arlington Community Alliance
	WeCan (West Citizen Action Network)
	ACTION North
	East Arlington Renewal
	Forest Hills HOA
Property Owners:	9
Letters of Support:	0
Letter of Opposition:	0

PLANNING AND ZONING COMMISSION SUMMARY:

Public Hearing: December 8, 2010

Specific Use Permit SUP10-23 (Liquitek – 408 113th Street)

Application for approval of a Specific Use Permit for high impact use on approximately 12.7 acres zoned "IM" (Industrial Manufacturing); 408 113th Street and generally located south of East Randol Mill Road and east of North Great Southwest Parkway

Sharon Hurd, Planning Project Manager I, presented this case.

Present to speak in support of this case was Kevin White, Liquitek, 408 113th Street. He stated that the Water Department has a concern with the clay pipe restoration. He mentioned that they said if the facility does not work properly, material could be sent to the City's Waste Water Treatment facility. He said that the only way material leaves the facility is through a series of filters that removes all the contaminants. He stated that if there was an issue, the turn of a valve would stop any material from leaving their facility until the problem could be corrected. He mentioned that material would then be sent to one of their other five facilities until the problem was corrected. He said that there is very little concern for anything outside their building. He stated that everything will be monitored.

Commissioner Piel asked if Mr. White had seen the letter from Water Utilities with the request for stipulations. Mr. White answered in the affirmative. Commissioner Piel asked if there were objections to any of the items listed. Mr. White answered that those items will be included in the discharge permit and what is not covered in the City permit, will certainly be covered in the TCEQ permit that they are required to have.

Commissioner Piel asked for clarification from Water Resource Services. Marc Paustian from Water Resource Services stated that they are forecasting potential damage could occur should the process not be operated properly. He mentioned that the costs have not been calculated at this time. He said that if something should happen, the costs would be charged back to the industry.

Present to go on record in support of this case was Jim Hilburn, 1600 Sanibel Lane.

Charla Hawkes Vinyard made a motion to approve Specific Use Permit SUP10-23. Seconded by Andrew Piel who asked that the bullet items in the letter from the letter of conditions by Terry Benton, Assistant Director of Water Utilities/Operations be included in the motion:

1. Request that the facility contribute to the renewal of the 1,300 feet of clay sewer pipe that the facility will be heavily impacting due to the nature of the wastewater discharged.
2. Require a minimum of quarterly self-monitoring sampling of all local limit parameters.
3. Request on-site odor suppression system to alleviate potential odor nuisance to surrounding neighbors.

Case Information



4. Acknowledge that the facility will by design meet the requirements of the "Industrial Waste and Water Pollution Control" chapter.
5. Provide a Baseline Monitoring Report 90 days prior to the introduction of wastewater into the POTW.
6. Require the installation and maintenance for a wastewater meter.
7. Require the facility to remain in an exempt status from the Code of Federal Regulations which would pertain to 40 CFR 437.1(b)(8) – Centralized Waste Treatment.

The motion carried with a vote of 5-0-0.

APPROVED with Stipulations

Itemized Allowable Uses



Allowable Uses:

"IM" (Industrial Manufacturing)

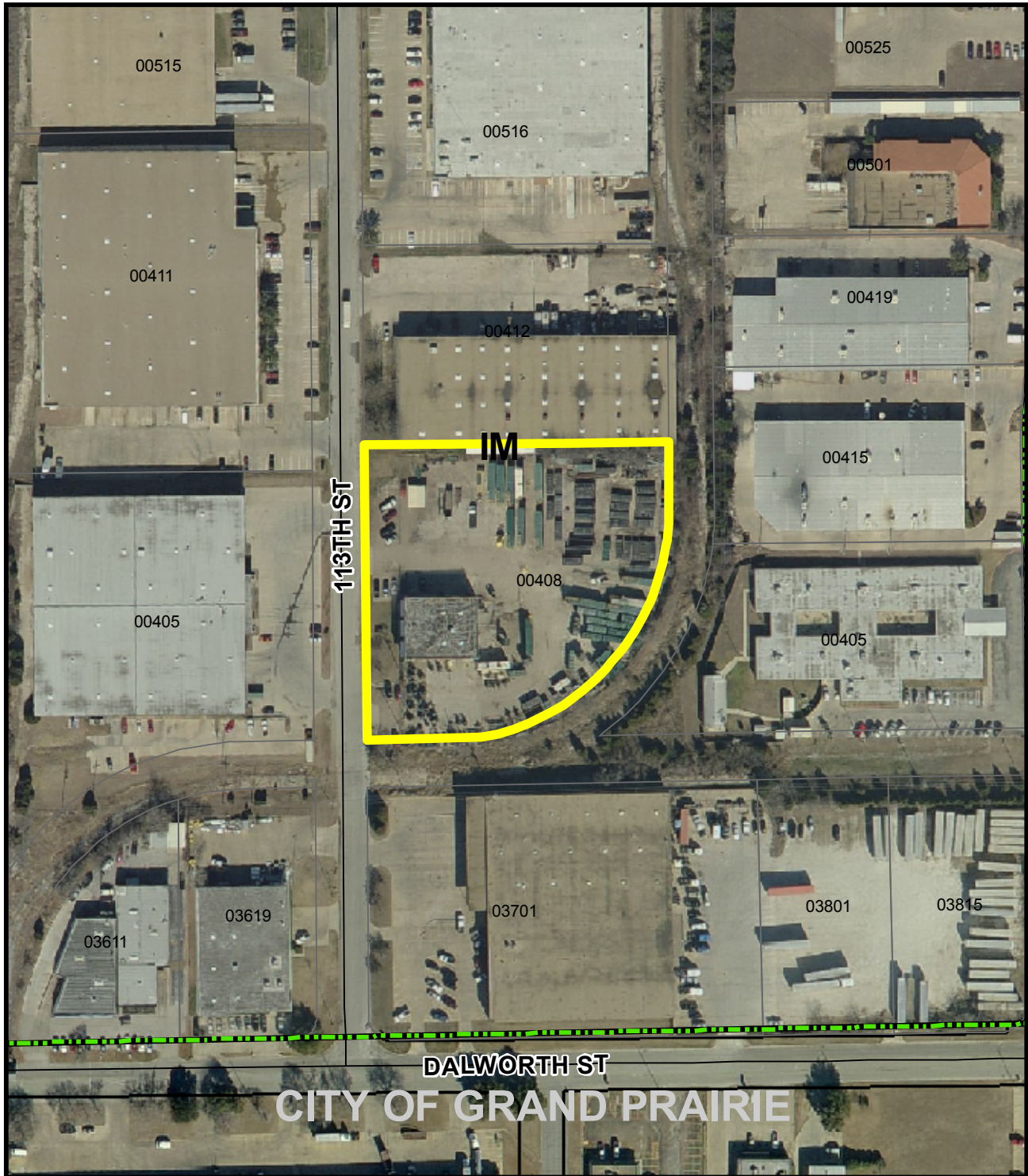
Permitted – Crop production, bar, night club, banquet hall, wedding chapel, bingo parlor, bowling alley, billiards, indoor theatre, skating rink, gun range (indoor), recreation-inside/outside, public park, playground or golf course, country club with golf course, yacht club or marina, catering service, cleaning laundry, copy center, restaurant, nursery, garden shop or plant sales; building and landscape materials and lumber sales, antique shop, second hand goods, pawn shop, rental store, new retail gun sales, boat accessory sales, rental, and service, specialty paraphernalia, general retail store, tattoo parlor, massage therapy, personal household service, package liquor stores, auto parts accessory and sales, auto service, minor auto repair, major auto repair garage, gasoline sales, car wash, motor vehicle sales and rental, commercial parking, veterinary clinic, commercial kennel, commercial stables, radio or TV studio, bail bond service, swimming pool accessory sales and service, heavy machinery and equipment sales/rental/service, commercial cleaners, custom and craft work, wholesale supply business, cold storage plant, distribution center, food processing, light manufacturing, warehouse, wrecker service, salvage or reclamation of products (indoor), church, college, university or seminar, business school, trade school government facility, museum or art gallery, philanthropic institution, private club, lodge or fraternal organization, medical or scientific research lab, mortuary or funeral chapel, cemetery, emergency shelter, women's shelter, electric utility substation, railroad yard, shop, or roundhouse, transit passenger terminal, transit passenger shelter, utility lines, towers, or metering stations, utility installation, accessory caretakers quarters, accessory garage-private, and customarily incidental.

Specific Use Permit (SUP) - Full service hotel, motel, residences hotel/motel, gun club or outdoor target range, horse or auto racing, large scale retail, asphalt or concrete batch plant, livestock sales/shipping facilities, high impact use, salvage or reclamation of products (outdoor), day care, public or private school, halfway house, prison, airport, heliport or landing field, electric generating plant, gas drilling, and natural gas compressor station. Special Exception (SE) - Temporary asphalt or concrete batch plant and temporary sand or gravel extraction.

Itemized Allowable Uses



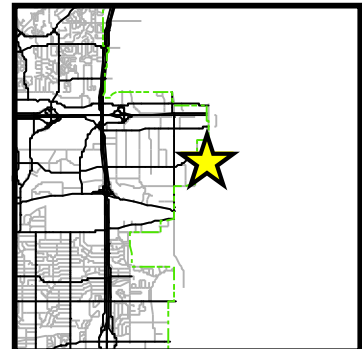
Conditions (C) - Trailer camp or park, teen club, sexually oriented business, open air vending, large scale retail, alcohol sales, recycling collection center, miniwarehouses, outside storage, wireless telecommunications facilities, temporary carnival, circus or amusement ride, temporary construction field office; temporary construction storage yard, accessory outside display and sales; nursery, and accessory outside storage.



**LOCATION MAP
SUP10-23**



**SPECIFIC USE PERMIT
FOR HIGH IMPACT USE
2.378 ACRES**



SUP10-23

Specific Use Permit for a High Impact Use
South of East Randol Mill Road and east of North Great Southwest Parkway



View of the subject site. View east.



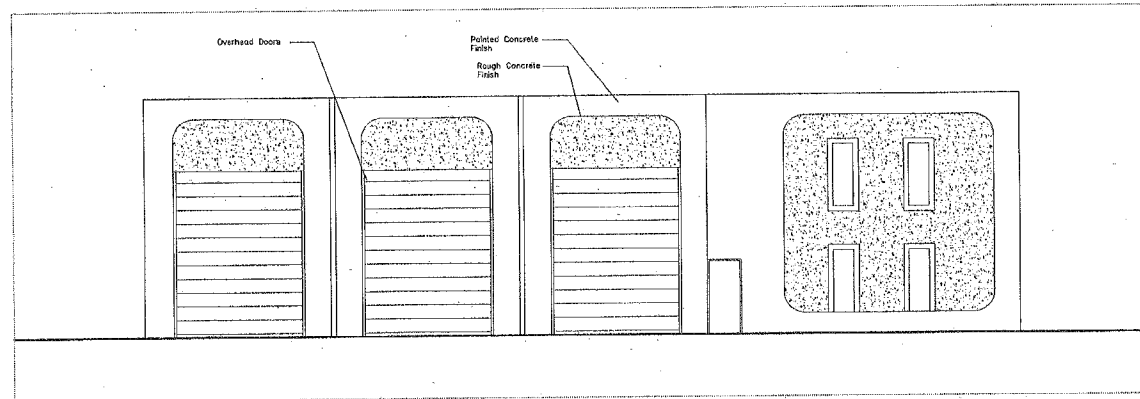
View of the adjacent industrial use located north of the subject site. View northeast.



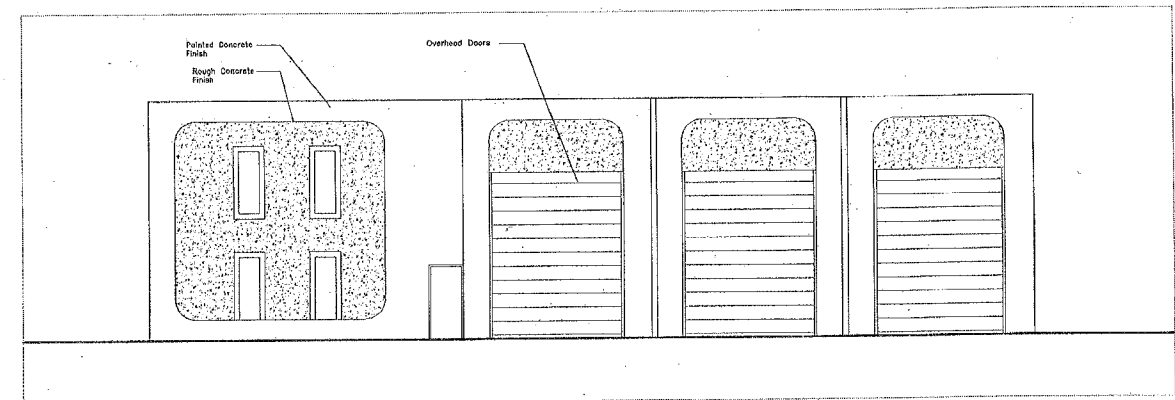
View of the adjacent industrial uses located west of the subject site, across 113th Street. View northwest.



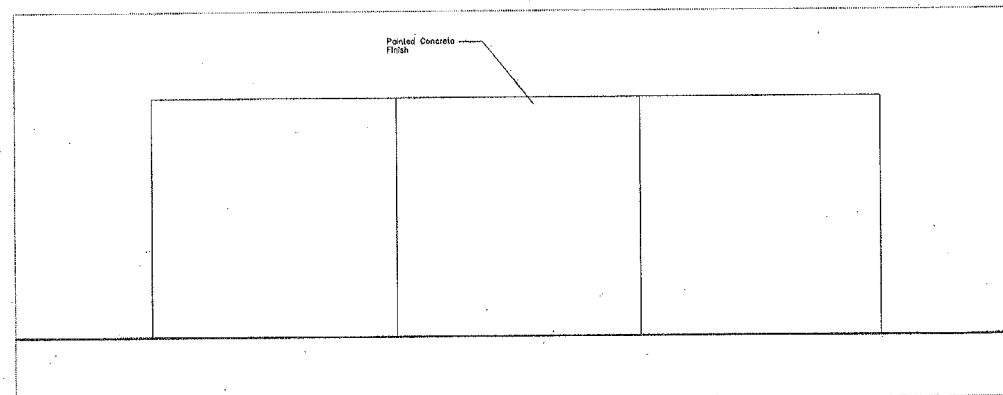
View of the subject site and adjacent industrial use located south of the subject site. View southeast.



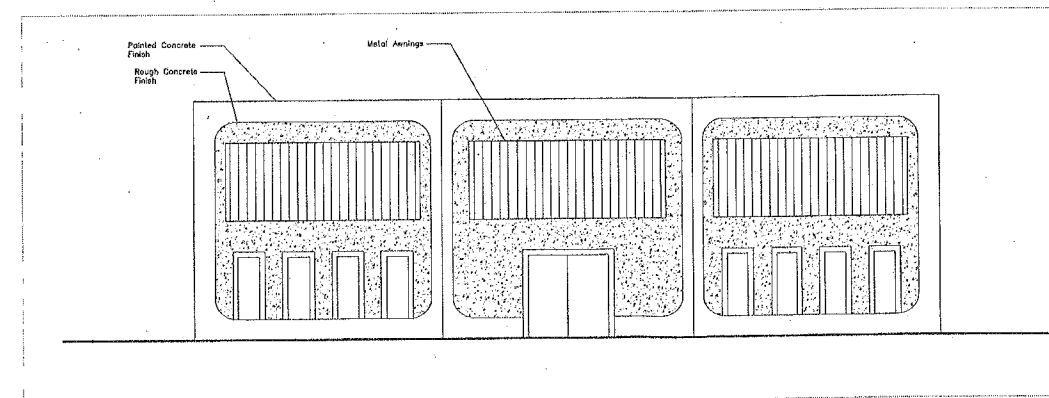
4 NORTH ELEVATION
SCALE : 1/8" = 1'-0"



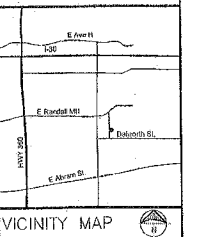
3 SOUTH ELEVATION
SCALE : 1/8" = 1'-0"



2 EAST ELEVATION
SCALE : 1/8" = 1'-0"



1 WEST ELEVATION
SCALE : 1/8" = 1'-0"



VICINITY MAP

PROJECT:
Liquitek, LLC
408 11th Street
ARLINGTON, TX 76011

DRAWING NAME:
EXISTING ELEVATIONS

PROJECT NO.	AS SHOWN
DRAWN BY:	AS SHOWN
CHECKED BY:	AS SHOWN
SCALE:	AS SHOWN
ISSUE DATE:	09/03/10

A2.00
SUPI0-23
E-2

RECEIVED-BI

RECEIVED-BI

10 OCT -8 PM 3:24

LIQUITEK

Description of Operations

We are a recycling and disposal company. We offer a service to local restaurants, churches, hotels and schools which are involved in food preparation. At these facilities, fats, oils and greases accumulate in collection traps in order to prohibit these materials from entering and clogging the sewer lines. The city requires that vacuum trucks remove the wastewater from the traps on a regularly scheduled basis. We are currently a licensed provider of this service for Arlington, doing business as Earthtek.

What we are proposing to operate is a liquid processing facility 'Liquitek' which will dewater the wastewater product. Oils, fats and greases are separated from the wastewater in a gravity box. The filtered water is treated and delivered to the sewage system. The leftover "cake" from the gravity box will be either transported to Microgy, Inc., a plant which uses the byproduct to make biodiesel fuel or will be disposed of at a TCEQ regulated landfill after undergoing the required testing. The plant will be permitted and licensed by the TCEQ and is heavily regulated in order to maintain sanitary and procedural compliance.

The operation will employ several full-time and part-time employees. Hours of operation will be daylight hours to be determined.


The location of the plant is in a heavy industrial area and there will be no significant impact with regard to transportation routes or patterns. Odors will be contained to the property boundaries utilizing odor suppression technology and all processing will take place inside the building. The noise impact will be minimal and within that which is typical for the area.

A local liquid processing facility will save local schools, churches, and businesses money by significantly reducing the transportation costs involved in the removing of their waste material. Further benefits are derived by recycling what is otherwise considered a nuisance, into fuel.

LETTER OF
CONCERN



*"Respected and Trusted Leaders
in the Water Industry"*

To: Sharon Hurd, Planning Project Manager I
From: Terry Benton, Assistant Director of Water Utilities/Operations 
Date: November 29, 2010
RE: SUP 10-23 for Proposed Liquitek - Recycling and Disposal Company

The City of Arlington Water Utilities has been in discussions with the Environmental Protection Agency (EPA), Texas Commission on Environmental Quality (TCEQ), City of Houston, and Trinity River Authority (TRA) regarding the SUP for the liquid processing facility. In these correspondences, it has been made clear that there are potential concerns with this type of treatment facility. These concerns may include;

- ongoing enforcement
- excessive wastewater monitoring
- odor nuisance
- wastewater collection system damage
- wastewater treatment plant interference
- increased surcharge cost assessed by TRA
- introduction of hazardous waste into wastewater stream
- improper or lack of wastewater treatment

Due to the nature of this business, Arlington Water Utilities respectfully asks the Planning and Zoning Commission to consider the following requests in their deliberations on this SUP application.

- Request that the facility contribute to the renewal of the 1,300 feet of clay sewer pipe that the facility will be heavily impacting due to the nature of the wastewater discharged
- Require a minimum of quarterly self-monitoring sampling of all local limit parameters
- Request onsite odor suppression system to alleviate potential odor nuisance to surrounding neighbors
- Acknowledge that the facility will by design meet the requirements of the "Industrial Waste and Water Pollution Control" chapter

- Provide a Baseline Monitoring Report 90 days prior to the introduction of wastewater into the POTW.
- Require the installation and maintenance for a wastewater meter
- Require the facility to remain in an exempt status from the Code of Federal Regulations which would pertain to 40 CFR 437.1 (b) (8) - Centralized Waste Treatment.